IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11850 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL SITABEN CHOTUBHAI

Versus

REGIONAL PASSPORT OFFICE

Appearance:

MR MP PRAJAPATI for Petitioner

MRS. DAVAWALA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 14/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Mr. Prajapati for the petitioner. Rule. Learned Addl. CGSC Mrs. Davawala waives service of rule on behalf of respondent.

2. Petitioner was allotted with an international passport No. M-003367 issued on 6-8-1992 by the Regional Passport Officer, Ahmedabad. In the said passport the year of birth of the petitioner was mentioned, but no day or month has been mentioned. Learned counsel for the petitioner submitted that the petitioner is illiterate and did not pursue any education and there is no school leaving certificate. The petitioner has also produced the birth certificate issued by Registrar, Births & Deaths. Petitioner however filed two affidavits declaring that the date of birth of the petitioner is 23-7-1918. Learned counsel submitted that, for getting VISA the authority insists for the date of birth, including month and year. But since the day and month of the petitioner has not been mentioned, it is difficult to get Visa from the foreign country. Learned counsel further submitted that the petitioner approached the respondent Regional Passport Officer, Ahmedabad, for entering the day and month, including the year in the column of date of birth of the petitioner in the passport, which was refused by the respondent. Learned Addl. CGSC Mrs. Davawala submitted that the petitioner may file relevant records before the Regional Passport Officer, Ahmedabad, who will consider the same in accordance with law, and if permissible under the law, he may make necessary entries in the date of birth of the petitioner

3. Having regard to the submissions of learned counsel for the parties, I am of the view, the petitioner should submit relevant records showing her date of birth, including month and date for consideration of the respondent - Regional Passport Officer, Ahmedabad. If such documents are placed before the authority, he will consider the same in accordance with law, and if permissible, make necessary corrections in the passport already issued to the petitioner.

4. If any correction is made in the Passport by the respondent, in that event the petitioner shall pay cost of Rs.1,500-00 to the respondent office, as the error has been committed by the petitioner in not mentioning the day and month in her application for passport. With the aforesaid observation and direction, the petition is allowed. Rule made absolute to the aforesaid extent. Direct service permitted.

Dt: 14-12-2000 (P.K. Sarkar, J)

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